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IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-42416-2022(O&M)

Date of Decision :15.09.2022

Anchal Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

By way of present petition, petitioner seeks quashing of order dated 23.12.2021 (Annexure P-9) passed by learned Judicial Magistrate Ist Class, Batala, District Gurdaspur, whereby petitioner has been declared as proclaimed person on account of his non-appearance before the Court.

Without arguing much on the merits of the case, learned counsel for the petitioner submits that if one chance for appearance is given, subject to payment of costs, petitioner is ready to join the proceedings before learned trial Court.

Notice of motion.

On asking of the Court, Mr. J. S. Arora, DAG, Punjab, accepts notice on behalf of respondent-State.

Heard learned counsel for both the parties.

Petitioner is facing prosecution since 2018 and once proclamation proceedings would start, that may also take sufficient time

in its conclusion and proceedings of the trial, which petitioner is facing, may get prolonged. Otherwise also, paramount consideration of the Court is to secure presence of the accused on each and every date, so that trial is completed at the earliest. In view of the circumstances discussed here-in-above, I am of the considered opinion that subject to payment of costs, petitioner could be granted one opportunity to appear before the Court and on his appearance he be released on bail also.

Accordingly, present petition is allowed. Petitioner is directed to appear before learned trial Court on or before 23.09.2022 and furnish an undertaking that he would not repeat such default and would join Court proceedings on each and every date, except with prior permission of the court.

It is further ordered that in case petitioner appears before the learned trial Court within time given, he would be released on bail, subject to furnishing bail/surety bonds to the satisfaction of the Court concerned.

However, this order shall be subject to payment of an amount of Rs.20,000/- as costs, to be deposited with the Member Secretary, District Legal Services Authority, Gurdaspur.

Needless to mention here that once petitioner complies with the conditions detailed here-in-above, impugned order dated 23.12.2021 (Annexure P-9), passed by learned Judicial Magistrate Ist Class, Batala, Gurdaspur, would become inoperative qua petitioner.

Disposed of.

15.09.2022
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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No